

After a careful review of this matter, the court is in complete agreement with the magistrate judge's recommendation that this matter be dismissed, without prejudice, for failure to prosecute. Plaintiff filed his complaint, *pro se*, on May 28, 2010. The Commissioner's Answer and Administrative Record were filed on December 8, 2010. On December 9, 2010, the court entered an order directing the plaintiff to file a dispositive motion, within 45 days. No motion was filed and no activity has occurred in the case.

Accordingly, the court **ACCEPTS** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that this case is **DISMISSED, without prejudice**, for failure to prosecute.

ENTER:

s/ Thomas W. Phillips
United States District Judge